

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6730 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE R.BALIA.

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?  
1 to 5 No

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RAMANBHAI BECHARBHAI PATEL

Versus

STATE OF GUJARAT

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Appearance:

MR VS PARIKH for Petitioner

MR. U.A. TRIVEDI, AGP Respondent No. 1, 2, 3

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CORAM : MR.JUSTICE R.BALIA.

Date of decision: 29/09/98

ORAL JUDGEMENT

1. Petitioner challenges the order of Gujarat Urban Land Tribunal dated 6th February, 1989 by which petitioner's appeal against the order of competent officer calculating surplus land in the hands of the petitioner was partly allowed. The competent officer has disallowed any deduction on account of land appurtenant or additional land appurtenant to constructed bungalow,

on sub-plot of No.61, though the admissible land appurtenant or additional appurtenant land was calculated by the competent officer if eligible to be 336.93 sq.meters. However, appellate tribunal by allowing the benefit of land appurtenant and additional land appurtenant to the constructed building required for its use to the extent 209 sq.meters reduced the surplus lands in the hands of petitioner to 173.65.68 sq.meters. It also directed from which plot how much land is to be taken.

2. The petitioner challenges by way of this petition the calculation of land appurtenant and additional land appurtenant to the constructed portion. If the petitioner's case is for sheer arthimatical calcuation, he can approach the competent officer for correct such mistakes, if any. If the petitioner is seeking to challenge the calculation on merit by referring to evidence, it is suffice to state that jurisdiction under Articles 226 and 227 is not to be invoked by way of an appeal unless mistake is shown to be apparent on the face of record. Ordinarily court would not interfere in the orders passed by subordinate tribunals on questions of fact. This being question of fact, depending on appreciation of evidence, discretion shall not be exercised in favour of the petitioner.

3. The petition must fail and is hereby dismissed.  
Rule is discharged.

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p.n.nair